

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION**

CATHERINE LAVENTURE,

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Plaintiff,

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v.

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Civil Action No.: 2:24-cv-00670

**CANTINA OF VIRGINIA, LLC,
et al.,**

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Defendants.

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**DEFENDANT CANTINA OF VIRGINIA, LLC'S
ANSWER TO PLAINTIFF'S COMPLAINT**

COMES NOW Defendant Cantina of Virginia, LLC ("Cantina" or "Defendant") by and through counsel, and for its Answer to the Plaintiff's Complaint and Affirmative Defenses respectfully states as follows:

ANSWER

Introductory Statement

1. The allegations contained in Paragraph 1 of Plaintiff's Complaint require no response. To the extent a response is required, the allegations contained in Paragraph 1 of Plaintiff's Complaint are denied.

Parties

2. The allegations contained in Paragraph 2 of Plaintiff's Complaint are denied having insufficient knowledge to answer said allegations.

3. The allegations contained in Paragraph 3 of Plaintiff's Complaint are admitted.

4. The allegations contained in Paragraph 4 of Plaintiff's Complaint are denied having insufficient knowledge to answer said allegations.

5. The allegations contained in Paragraph 5 of Plaintiff's Complaint are denied having insufficient knowledge to answer said allegations.

6. The allegations contained in Paragraph 6 of Plaintiff's Complaint are denied having insufficient knowledge to answer said allegations.

7. The allegations contained in Paragraph 7 of Plaintiff's Complaint are denied having insufficient knowledge to answer said allegations.

8. The allegations contained in Paragraph 8 of Plaintiff's Complaint are denied having insufficient knowledge to answer said allegations.

9. The allegations contained in Paragraph 9 of Plaintiff's Complaint are denied having insufficient knowledge to answer said allegations.

10. The allegations contained in Paragraph 10 of Plaintiff's Complaint are denied having insufficient knowledge to answer said allegations.

11. The allegations contained in Paragraph 11 of Plaintiff's Complaint are denied having insufficient knowledge to answer said allegations.

12. The allegations contained in Paragraph 12 of Plaintiff's Complaint are denied having insufficient knowledge to answer said allegations.

Exhaustion of Administrative Remedies
Under Title VII of the Civil Rights Act of 1964

13. The allegations contained in Paragraph 13 of Plaintiff's Complaint are admitted but only upon information and belief.

14. The allegations contained in Paragraph 14 of Plaintiff's Complaint are admitted but only upon information and belief.

15. The allegations contained in Paragraph 15 of Plaintiff's Complaint are admitted but only upon information and belief.

16. The allegations contained in Paragraph 16 of Plaintiff's Complaint are admitted but only upon information and belief.

17. The allegations contained in Paragraph 17 of Plaintiff's Complaint are denied inasmuch as said allegations are not allegations of fact but incomplete statements of law.

Facts Common to All Counts

Facts Relating to Entities Believed to Operate and Control the Restaurant
Facts Relating to Unlawful Discrimination and Retaliation

18. The allegations contained in Paragraph 18 of Plaintiff's Complaint are admitted.

19. The allegations contained in Paragraph 19 of Plaintiff's Complaint are denied.

20. The allegations contained in Paragraph 20 of Plaintiff's Complaint are denied.

21. The allegations contained in Paragraph 21 of Plaintiff's Complaint are denied.

22. The allegations contained in Paragraph 22 of Plaintiff's Complaint are denied.

23. The allegations contained in Paragraph 23 of Plaintiff's Complaint are denied.

24. The allegations contained in Paragraph 24 of Plaintiff's Complaint are denied.

25. The allegations contained in Paragraph 25 of Plaintiff's Complaint are denied.

26. The allegations contained in Paragraph 26 of Plaintiff's Complaint are denied.

27. The allegations contained in Paragraph 27 of Plaintiff's Complaint are denied.

28. The allegations contained in Paragraph 28 of Plaintiff's Complaint are denied.

29. The allegations contained in Paragraph 29 of Plaintiff's Complaint are denied.

30. The allegations contained in Paragraph 30 of Plaintiff's Complaint are denied.

31. The allegations contained in Paragraph 31 of Plaintiff's Complaint are denied.

32. The allegations contained in Paragraph 32 of Plaintiff's Complaint are denied.

33. The allegations contained in Paragraph 33 of Plaintiff's Complaint are denied.

34. The allegations contained in Paragraph 34 of Plaintiff's Complaint are denied.

35. The allegations contained in Paragraph 35 of Plaintiff's Complaint are denied.

36. The allegations contained in Paragraph 36 of Plaintiff's Complaint are denied.

37. The allegations contained in Paragraph 37 of Plaintiff's Complaint are denied.

38. The allegations contained in Paragraph 38 of Plaintiff's Complaint are denied.

39. The allegations contained in Paragraph 39 of Plaintiff's Complaint are denied.

40. The allegations contained in Paragraph 40 of Plaintiff's Complaint are denied.

41. The allegations contained in Paragraph 41 of Plaintiff's Complaint are denied.

42. The allegations contained in Paragraph 42 of Plaintiff's Complaint are denied.

43. The allegations contained in Paragraph 43 of Plaintiff's Complaint are denied as stated. Cantina admits only that it was made aware of the EEOC filing. All other allegations are denied.

44. The allegations contained in Paragraph 44 of Plaintiff's Complaint are denied.

45. The allegations contained in Paragraph 45 of Plaintiff's Complaint are denied.

46. The allegations contained in Paragraph 46 of Plaintiff's Complaint are denied.

47. The allegations contained in Paragraph 47 of Plaintiff's Complaint are denied.

48. The allegations contained in Paragraph 48 of Plaintiff's Complaint are denied.

49. The allegations contained in Paragraph 49 of Plaintiff's Complaint are denied.

50. The allegations contained in Paragraph 50 of Plaintiff's Complaint are denied.

51. The allegations contained in Paragraph 51 of Plaintiff's Complaint are denied.

52. The allegations contained in Paragraph 52 of Plaintiff's Complaint are denied.

53. The allegations contained in Paragraph 53 of Plaintiff's Complaint are denied.

54. The allegations contained in Paragraph 54 of Plaintiff's Complaint are denied.

55. The allegations contained in Paragraph 55 of Plaintiff's Complaint are denied.

56. The allegations contained in Paragraph 56 of Plaintiff's Complaint are denied having insufficient knowledge to answer said allegations.

57. The allegations contained in Paragraph 57 of Plaintiff's Complaint are denied.

58. The allegations contained in Paragraph 58 of Plaintiff's Complaint are denied.

59. The allegations contained in Paragraph 59 of Plaintiff's Complaint are denied.

60. The allegations contained in Paragraph 60 of Plaintiff's Complaint are admitted but only upon information and belief.

Facts Relating to Hourly Wage Theft

61. The allegations contained in Paragraph 61 of Plaintiff's Complaint are admitted.

62. The allegations contained in Paragraph 62 of Plaintiff's Complaint are admitted.

63. The allegations contained in Paragraph 62 of Plaintiff's Complaint are admitted.

64. The allegations contained in Paragraph 64 of Plaintiff's Complaint are denied.

65. The allegations contained in Paragraph 65 of Plaintiff's Complaint are denied as stated. Cantina admits only that managers could correct errors in timekeeping by employees. All other allegations are denied.

66. The allegations contained in Paragraph 66 of Plaintiff's Complaint are denied.

67. The allegations contained in Paragraph 67 of Plaintiff's Complaint are denied.

68. The allegations contained in Paragraph 68 of Plaintiff's Complaint are denied having insufficient knowledge to answer said allegations.

69. The allegations contained in Paragraph 69 of Plaintiff's Complaint are denied as stated. Cantina admit only that they complied with the subpoena issued by the Virginia Beach Circuit Court Clerk's office. All other allegations are denied.

70. The allegations contained in Paragraph 70 of Plaintiff's Complaint are denied.

71. The allegations contained in Paragraph 71 of Plaintiff's Complaint are denied.

72. The allegations contained in Paragraph 72 of Plaintiff's Complaint are denied.

73. The allegations contained in Paragraph 73 of Plaintiff's Complaint are denied.

74. The allegations contained in Paragraph 74 of Plaintiff's Complaint are denied.

Facts Relating to Tip Theft

75. The allegations contained in Paragraph 75 of Plaintiff's Complaint are admitted.

76. The allegations contained in Paragraph 76 of Plaintiff's Complaint are denied.

77. The allegations contained in Paragraph 77 of Plaintiff's Complaint are denied having insufficient knowledge to answer said allegations.

78. The allegations contained in Paragraph 78 of Plaintiff's Complaint are denied having insufficient knowledge to answer said allegations.

79. The allegations contained in Paragraph 79 of Plaintiff's Complaint are denied having insufficient knowledge to answer said allegations.

80. The allegations contained in Paragraph 80 of Plaintiff's Complaint are denied having insufficient knowledge to answer said allegations.

81. The allegations contained in Paragraph 81 of Plaintiff's Complaint are denied.

82. The allegations contained in Paragraph 82 of Plaintiff's Complaint are denied.

83. The allegations contained in Paragraph 83 of Plaintiff's Complaint are denied.

84. The allegations contained in Paragraph 84 of Plaintiff's Complaint are denied.

Count I – Hostile Work Environment in Violation of Title VII

85. Cantina incorporates its answers to paragraphs 1 through 84 as if fully restated herein.

86. The allegations contained in Paragraph 86 of Plaintiff's Complaint are denied inasmuch as said allegations are not allegations of fact but incomplete statements of law.

87. The allegations contained in Paragraph 87 of Plaintiff's Complaint are denied inasmuch as said allegations are not allegations of fact but incomplete statements of law.

88. The allegations contained in Paragraph 88 of Plaintiff's Complaint are denied inasmuch as said allegations are not allegations of fact but incomplete statements of law.

89. The allegations contained in Paragraph 89 of Plaintiff's Complaint are denied.

90. The allegations contained in Paragraph 90 of Plaintiff's Complaint are denied.

91. The allegations contained in Paragraph 97 of Plaintiff's Complaint are denied.

Count II – Hostile Work Environment in Violation of Section 1981

92. Cantina incorporates its answers to paragraphs 1 through 91 as if fully restated herein.

93. The allegations contained in Paragraph 93 of Plaintiff's Complaint are denied inasmuch as said allegations are not allegations of fact but incomplete statements of law.

94. The allegations contained in Paragraph 94 of Plaintiff's Complaint are denied.

95. The allegations contained in Paragraph 95 of Plaintiff's Complaint are denied.

96. The allegations contained in Paragraph 96 of Plaintiff's Complaint are denied.

Count III – Retaliation in Violation of Title VII

97. Cantina incorporates its answers to paragraphs 1 through 96 as if fully restated herein.

98. The allegations contained in Paragraph 98 of Plaintiff's Complaint are denied inasmuch as said allegations are not allegations of fact but incomplete statements of law.

99. The allegations contained in Paragraph 99 of Plaintiff's Complaint are denied inasmuch as said allegations are not allegations of fact but incomplete statements of law.

100. The allegations contained in Paragraph 100 of Plaintiff's Complaint are denied.

101. The allegations contained in Paragraph 101 of Plaintiff's Complaint are denied inasmuch as said allegations are not allegations of fact but incomplete statements of law.

102. The allegations contained in Paragraph 102 of Plaintiff's Complaint are denied inasmuch as said allegations are not allegations of fact but incomplete statements of law.

103. The allegations contained in Paragraph 103 of Plaintiff's Complaint are denied.

104. The allegations contained in Paragraph 104 of Plaintiff's Complaint are denied.

105. The allegations contained in Paragraph 105 of Plaintiff's Complaint are denied inasmuch as said allegations are not allegations of fact but incomplete statements of law.

106. The allegations contained in Paragraph 106 of Plaintiff's Complaint are denied inasmuch as said allegations are not allegations of fact but incomplete statements of law.

107. The allegations contained in Paragraph 107 of Plaintiff's Complaint are denied.

108. The allegations contained in Paragraph 108 of Plaintiff's Complaint are denied.

109. The allegations contained in Paragraph 109 of Plaintiff's Complaint are denied.

110. The allegations contained in Paragraph 110 of Plaintiff's Complaint are denied.

Count IV – Retaliation in Violation of Section 1981

111. Cantina incorporates its answers to paragraphs 1 through 110 as if fully restated herein.

112. The allegations contained in Paragraph 112 of Plaintiff's Complaint are denied inasmuch as said allegations are not allegations of fact but incomplete statements of law.

113. The allegations contained in Paragraph 113 of Plaintiff's Complaint are denied.

114. The allegations contained in Paragraph 114 of Plaintiff's Complaint are denied.

115. The allegations contained in Paragraph 115 of Plaintiff's Complaint are denied.

Count V – Violation of Virginia Payment of Wage Law For Hourly Theft

116. Cantina incorporates its answers to paragraphs 1 through 115 as if fully restated herein.

117. The allegations contained in Paragraph 117 of Plaintiff's Complaint are denied inasmuch as said allegations are not allegations of fact but incomplete statements of law.

118. The allegations contained in Paragraph 118 of Plaintiff's Complaint are denied inasmuch as said allegations are not allegations of fact but incomplete statements of law.

119. The allegations contained in Paragraph 119 of Plaintiff's Complaint are denied inasmuch as said allegations are not allegations of fact but incomplete statements of law.

120. The allegations contained in Paragraph 120 of Plaintiff's Complaint are denied inasmuch as said allegations are not allegations of fact but incomplete statements of law.

121. The allegations contained in Paragraph 121 of Plaintiff's Complaint are denied inasmuch as said allegations are not allegations of fact but incomplete statements of law.

122. The allegations contained in Paragraph 122 of Plaintiff's Complaint are denied inasmuch as said allegations are not allegations of fact but incomplete statements of law.

123. The allegations contained in Paragraph 123 of Plaintiff's Complaint are denied inasmuch as said allegations are not allegations of fact but incomplete statements of law.

124. The allegations contained in Paragraph 124 of Plaintiff's Complaint are denied.

125. The allegations contained in Paragraph 125 of Plaintiff's Complaint are denied.

Count VI – Violation of Virginia Payment of Wage Law For Tip Theft

126. Cantina incorporates its answers to paragraphs 1 through 125 as if fully restated herein.

127. The allegations contained in Paragraph 127 of Plaintiff's Complaint are denied inasmuch as said allegations are not allegations of fact but incomplete statements of law.

128. The allegations contained in Paragraph 128 of Plaintiff's Complaint are denied inasmuch as said allegations are not allegations of fact but incomplete statements of law.

129. The allegations contained in Paragraph 129 of Plaintiff's Complaint are denied inasmuch as said allegations are not allegations of fact but incomplete statements of law.

130. The allegations contained in Paragraph 130 of Plaintiff's Complaint are denied inasmuch as said allegations are not allegations of fact but incomplete statements of law.

131. The allegations contained in Paragraph 131 of Plaintiff's Complaint are denied inasmuch as said allegations are not allegations of fact but incomplete statements of law.

132. The allegations contained in Paragraph 132 of Plaintiff's Complaint are denied inasmuch as said allegations are not allegations of fact but incomplete statements of law.

133. The allegations contained in Paragraph 133 of Plaintiff's Complaint are denied inasmuch as said allegations are not allegations of fact but incomplete statements of law.

134. The allegations contained in Paragraph 134 of Plaintiff's Complaint are denied.

135. The allegations contained in Paragraph 135 of Plaintiff's Complaint are denied.

Prayer for Relief

136. The allegations contained in Paragraph 136 of Plaintiff's Complaint, including sub-paragraphs a through s, are denied.

137. Any allegation not specifically admitted herein is denied.

138. Cantina denies being indebted to Plaintiff in any amount or for any reason.

139. Cantina denies that the plaintiff was injured or damaged in the manner alleged or to the extent alleged and demands strict proof of all damages claimed herein.

140. Cantina joins in Plaintiff's demand for a trial by jury.

141. Cantina reserves the right to amend this Answer at any time.

AFFIRMATIVE AND OTHER DEFENSES

First Defense

Cantina asserts that Plaintiff's Complaint fails to state a claim upon which relief can be granted.

Second Defense

Cantina asserts that Plaintiff's claims are barred and/or recovery is precluded due to Plaintiff's own behavior.

Third Defense

Cantina asserts that Plaintiff's claims are barred because all decisions and actions toward Plaintiff were taken in good faith based on legitimate, non-discriminatory, and non-retaliatory business reasons unrelated to her race, color, or alleged protected activity.

Fourth Defense

Cantina asserts that, Plaintiff's retaliation claims are barred to the extent she did not engage in protected activity.

Fifth Defense

Cantina asserts that some or all of the acts alleged in the Complaint were not asserted in the administrative claim and, therefore, are not ripe for purposes of this litigation as Plaintiff has failed to exhaust all administrative remedies.

Sixth Defense

Cantina reserves the right to rely upon any and all properly provable defenses in this matter and reserves the right to amend its Affirmative and Other Defenses at any time.

WHEREFORE, having fully answered, Defendant Cantina of Virginia, LLC, prays this Court dismiss this action with prejudice, award its costs in the defense of this matter, and grant any other relief as is just and proper.

CANTINA OF VIRGINIA, LLC

By Counsel

/s/

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CERTIFICATE OF SERVICE

I hereby certify that on the 18th day of November, 2024, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

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